WHOLE NUMBER, 11,109.

LATE WEATHER REPORT.

(By telegraph to the Dispotch.)

WASHINGTON, Pebruary 8-1 A.

M.—For Virginia, fair weather, followed by local rains, southerly winds shifting to westerly, slightly warmer, followed by lower temperature.

Per North Carolina and South Caroenrally fair weather, pearly stationary rature, southerly winds.

THE WEATHER IN RICHMOND YESTERDAY as warm, clear, and pleasant. Range of Thermometer Yesterday:

THE STOCK OF THE PUBLISHERS GRAND BOOK SALE NEVER WAS AS LARGE, AS COMPLETE, AS CHEAP. AS FINE AS IT IS NOW.

WE HAVE OPENED 40 SETS WAVERLY NOVELS AT \$6.50 SET.

18 SETS OF DICK-ENS AT \$5.25 SET.

14 SETS ADVEN TURE LIBRARY AT \$1.50 SET.

80 SETS MACAU LAYS ENGLAND AT 90C. SET.

15 SETS BULWER AT \$5.50 SET.

12 SETS IRVING, RUSSIA BINDING. AT \$4.50 SET.

20 SETS MORLEY'S MEN OF LETTERS AT 75C. SET.

8 DANTE, ILLUS-TRATED BY 140 DORE ILLUSTRA-TIONS. AT \$1.25.

5 SETS CHAMBERS ENCYCLOPEDIA AT \$7.20 SET.

4,600 BOOKS AT 25C. VOLUME.

8,000 BOOKS AT 45C. VOLUME.

250 BOOKS AT 15C. VOLUME, &C., &C., &C.

OUR PRICES STILL CONTINUE TOBE THE WONDER OF THE CITY.

WE HAVE OPENED A SPECIAL DEPARTMENT FOR MAIL TRADE. ADDRESS ORDERS MAIL

SAMUEL D. LIT, MANAGER FOR

DEPARTMENT.

PUBLISHERS.

FOR SALE, 30,000 A No. 1 SEC-PAVING-BRICKS, well cleaned; 2,000 fe 8-21 J. THOMPSON BROWN & CO.

PHOTO. DRY PLATES, PHOTO. DRY PLATES, ARTISTS AND PAINTERS

THE BOYCOTT CASES. JUDGE ATKINS FILES HIS OPINION ON

Decision of Judge Wellford on the Demurrer in the Baughman Boy-

THE DEMURRER.

The Dispatch last week gave Judge Atkins's decision on the demurrer in the case of the publishers of the Labor Herald and the Boycott Committee of the Richmond Typographical Unionin effect sustaining one count of the indictment and quashing the other. Yesterday Judge Atkins filed his written

cpinion.

Judge Atkins says:

The first count of the indictment in this case, stripped of its mere formal statements, is in substance as follows:

That there are certain trades unions in the city of Richmond, of which the defendants are members; that there is also in said city a mercantile firm known as Baughman Brothers, printers and stationers, and that they have a lawful right to carry on their business; that said defendants, on the 4th day of February, 1888, and on many days thereafter, with force and arms, well knowing those facts, did unlawfully and maticlously, wickedly and corruptly, knowingly and intentionally, combine, conspire, and confederate together to injure, ruin, break up, and destroy the said Baughman Brothers in their said business by unlawfully, wickedly, maliciously, and corruptly, knowingly and intentionally, making threats to a great number of persons—to wit, fi. J. Myers and others (naming them)—all of when had been theretofore regular customers of said firm, that if they, the said H. J. Myers and others, theresafter bounds anything from said firm, or employed them in their said business as printers, they, the said defendants, would do all in their power to break anything from said firm, or employed them in their said business as printers, they, the said defendants, did then and there, by reason of said threats, drive off, hinder, deter, and prevent the said the fact, and prevent the said H. J. Myers and others, and by and through said threats, they, the said defendants, did then and there by their said unlawful, malicious, wicked, and corrupt threats, and by their said unlawful, malicious, wicked, and corrupt threats, and by their said unlawful, malicious, wicked, and corrupt threats, and by their said unlawful, malicious, wicked, and corrupt threats, and by their said unlawful, malicious, wicked, and corrupt threats, and by their said unlawful acts aforesaid, do a serious injury to the business of the said Baughman Brothere, against the peace, &c.

Two questions have been fully stated

irginia? 24. If they do, are they sufficiently set forth the indictment? He then goes on to show that the common law of England had been adopted by Virginia.

adopted by Virginia.

It is conceted, however, he says, that such of the doctrines of the common law as a difference in local circumstances or in the character and principles of our political system renders inapplicable to us are either not in force here or must be so modified in their application as to adapt them to our condition. We thus effect a reasonable and substantial compliance there with rather than a literal one.

As to the common-law crime of conspiracy, upon this subject it is not claimed that it is repugnant to the Bill of Rights or Constitution, nor that it has been altered by the Legislature. But it is contended by the defence that it is not adapted to our institutions, and they refer to ted to our institutions, and they refer to been of Chief Justice Shaw in the ca commonwealth rs. Hunt. 4 Metc., iii.

After an examination of the above authority and several others, Judge Atis a crime against the public, and that in adopting the common law of England it has been made punishable in this State.

State.

UNLAWFUL CONSPIRACY.

But to define the exact limit or extent of the law of conspiracy as deducible from the decisions would be a difficult, if not an impracticable task, and I shall not attempt it. Combinations against law or against individuals are always dangerous to the public peace and security. To guard against the union of ledividuals to effect an unlawful design is not easy, and to detect and punish them is often extremely difficult. The unlawful confederacy is, therefore, punished to prevent any act in execution of it. But the law by no means intends to exclude society from the beneals of united effort for legitimate purposes, and sto as promote the well-being of individuals or othe public. It uses the word conspiracy in 1 had sense. An act may be immoral, for it stance, without being indictable, but when its moral acts are committed by numbers in for therance of a common object, and with the a vantages and strength which determination and union impart to them, they assume it grave importance of a conspiracy, and it heace and order of society require their r This is also the case as to unlawful asser-

THE GIST OF THE OFFENCE.

From the nature of this offence no comprehensive rule can be laid down which shall include all instances of it, but the authorities seem to agree that the gist of the offence is the conspiracy, and that a conspiracy is a confederacy to do an unlawful act or a lawful act by unlawful means, whether to the prejudice of an individual or the public; but by "unlawful" it is not intended to mean that the act agreed to be done must be criminal; it is not intended to mean that the act agreed to be done must be criminal; it is not intended to mean that the act agreed to be done must be criminal; it is not intended to mean that the act agreed to be done must be criminal; it is not intended to the continual; it is not intended to the act agreed to be done must be criminal; it is not of the continual; it is not of the continual to the conti

law.—Dear. Cr. Ca., 1822. This has seen a great many years.
It should also be stated that the intent with which an act is done must always be taken inconsideration in arriving at the legality of transaction. And in als connection I call stention to the fact that the law looks at the intent rather than the motive. The intent is the intent rather than the motive. The intent is the intent rather than the motive. The intent is the intent amount of the motive is the desire in the mind to attain some ultimate object. Thus the man who sets fire to his neighbor's grain to prevent it being manufactured into liquor might be said, possibly, to be actuated by a good motive, but the specific intent of that act would be to destroy his neighbor's property, and that intent the law brands as evil, and it refuses to inquire further into the motive.—May's Cr. L. (6. When a man does the thing forbidden I law, moved by the intent prohibited, it is of minel for him that he also intende an ultimal good.

THE CASE AT RAIL.

Applying these principles to the case at har I consider it well established that any conspiracy formed and intended directly or indirectly to prevent the carrying on of any lawful business, or to injure the business of any one, by wrongfully preventing those who would be customers from buying anything from, or employing, the representatives of said business by threats, intimidation, or other foreible means, is unlawful, and honce a conspiracy to injure ruln, break up, and destroy the business of Haughman Brothers by threatening to do all in their power to break up and destroy the business of the customers of said firm if they thereafter bought anything from said firm or employed them, is unjust, lilegal, and criminal.

If the threat to do all in their power to break up and destroy the business of the customers of the said laughman Brothers could convey the idea that it was the intention of the conspirators to do it by fair and lawful competition, which might, by reducing their receipts, and consequently their profits, possibly break up and destroy the business of the customers, yet and destroy the business of the customers, yet and destroy the business of he customers, yet the effect would be to injure, ruin, break up, and destroy the business of Business of Business of Business of Business of the customers, yet the effect would be to injure, ruin, break up, and destroy the business of Business of Business, yet the effect would be to injure, ruin, break up, and destroy the business of Business of Business, with the manual to the customers of said firm.

In the case of Payne vs. Railroad Company, 13 Tenn, 521, it was held that, "If the defendants, by means of threats and intimidations, have driven away plaintiff's customers, and thus destroyed his trade, they have injured thin by an unlawful act, and are liable to him in damages, whether they did it wickelly and malliciously or not. For it is unlawful to threaten and intimidate one's customers; and the loss of trade is the hours of submers; and the loss of trade

DEFENCE'S AUTHORITIES.

result of such acts."

DEFENCE'S AUTHORITIES.

Several authorities have been cited by the defence for the purpose of showing that all threats are not unlawful. In the case of Payne es. Radiroad Company, just referred to, threats were construed to mean "a declaration of an intention or determination to injure another by the commission of some unlawful act." The other cases go to show that where one party has a cause of action against another he may threaten to exercise it, and an obligation obtained thereby is valid. But a recent English case, upon this neighet, show how indefinite may be the circumstances which control the mind of a person and intimidate him, and how slight a force will make the act llegal.

The learned judge in that case says: "I think it must be regarded as the law that if a man asserts to the father of a debtor that his on is liable to a criminal prosecution, and the father is led by reason of that assertion to suppose that the fact is so, and by reason of that belief is led to give a promissory note, or to bind himself for the payment of a composition by the son, then in that case the transaction is not a fair one. It is not to be looked at as a voluntary act, but as a case of extortion whether the facts are in accord with the assertion or not."

Secar se, Cohen, 45 L. T., N. S. 599.

WERT THE THIRATE ILLEGAL.

were the facts are according to the constitution of net."—Secar vs. Cohen, 45 L. T., N. S. 589.

Were the therapy and consol for defence that the threats used by the conspirators in the case at her are not tillegal threats, and therefore the means by which the conspirators would do all in their power to break up and destroy the business of the parties to whom the threats were addressed, unless they would do something which they had a lawful right not to do. Are those lawful right to say to an American clusen: Do as we dictate, or we will ruin you? The enjoyment of life and liberty with the means of acquiring and possessing property is one of the inherent rights guaranteed to year citizen of this Com-

monwealth by the Bill of Hights. These privileges cannot be taken away or abridged except in accordance with law. No class of men can take the law into their own hands. In the case of Fayne cs. Railroad Company the threat was to discharge an employee if he dealt with Payne, and the Court held that the threat was not illegal, because the company had the legal right to discharge its employees when it did not conflict with their contract in this case the threat is to break up and destroy the businose of the customers of Baughman Brothers. This is an illegal threat because it is a threat to destroy a right guaranteed to them by the Bill of Hights. This is a threat to da an injury to a stranger unless he will do an injury to Baughman Brothers, against whom he has no cause of complaint. This is a threat to a party that unless he will co-operate with the conspirators and assist them to injure, ruin, break up, and destroy the business of Baughman Brothers, that they will do all in their power to break up and destroy his business. Even though they meant that they would break up and destroy the business. Even though they meant that they would break up and destroy the business of the customers by competition, yet, if those threats were intended and reasonably calculated to have the effect of infimidating or forcing the person to whom they were made into doing an act injurious to another, which it was his will and legal right not to do, they are unlawful.

fawful.

Acts injurious to private persons which tens
to excite violent resentment, and thus produce
a disturbance of the peace have always been
held indictable.

THE JUDGE'S OPINION. I am clearly of the opinion that the charges in the first count of the indictment constitute a I am clearly of the opinion that the charges in the first count of the indictment constitute a crime at common law.

In stating the threats made by the conspirators the indictment charges the means to be used as fully as they were known. This is a charge of comspiracy, and the means could only be gathered from the threats, which were to do all in their power to break up and destroy. That is what they said, and that is what they are charged with. What they afterwards did can only be referred to in aggravation of the offence, and cannot be taken into consideration in determining the sufficiency of the indictment. I therefore overrule the demurrer as to the first count.

I have stated verbally my reasons for sustaining the demurrer to the second count.

Judge Weilford's Oblinion.

Judge Wellford's Opinion.
Judge Wellford, of the City Circui

Court, yesterday overraled the denur rer to the declaration in the case of Eaughman Prothers vs. Richmone Typegraphical Union, No. 90, for \$30,000 damages. The declaration of Mr. Royall as

counsel for Baughman Brotherscharges that the Boycott Committee, represent-ing the whole Union of seventy-four or more members, issued and sent to the patrons of Baughman Brothers a printsociation had boycotted the establish ment of the plaintiffs; that the customers of plaintiffs were requested to withdraw their patronage from the plain-tiffs and warned that if they did not comply with this demand and inform the de fendants thereof within ten days after the issuance of the circular their name would be published on the "black list in the Labor Herald; that by reason o threats contained in this circular and in the publication of the "black list" under an offensive head, and other publi cations in the *Labor Herald*, many of the plaintiffs' customers have been in-timidated and deterred from trading with the plaintiffs, by reason whereo they have sustained great damage.

Mr. Mcredith, as counsel for the Union, demarred to the entire declaration as not setting out a sufficient cause of action, claiming that if there had been threats made they were lawful

Judge Wellford, in his opinion which is an elaborate as well as inter esting one, gives a brief history of the case, and dwells at some length upon the pivotal word "boycott," and main tains the ground that the circular was construed by Baughman Brothers' cus tomers as alleged in the declaration, and holds that in looking at the context it very clearly appeared to them that the boycott was a coercive mea-sure to compel the plaintiffs to acqui-esce in the demand of the defendants. In concluding Judge Wellford says:

In concluding Judge Wellford says:

Upon an honest examination, therefore, of
the context of the clicular and inquiry into th
origin of its pivotal word, who can say that
not very timid customer of the plaintiffs migh
not have understood it as intended to convey,
threat of physical violence, if necessary, to er
plaintiffs, and might not, therefore, have been
timidated from further dealings with them.
The declaration charges that many of the
astemers did so understand it, and were so by

The declaration charges that many of their stemers did so understand it, and were so in midsted. If that charge be true, and their stemers, upon a reasonable interpretation of the circular and the publications in the Laberraid, which the circular adopted as part of the context, were justified in so believing, the dendants, upon undisputed principles of law or responsible for the consequences. In overruing the demurer it is not necessary or me to say that this interpretation was easonable one. I feel very sure in my ow what that violence was not contemplated blace defendants, and certainly not by the large majority of them. But I cannot say that lolence might not reasonably have been in street from their concerted action as set on the declaration.

in region in the declaration.

With the views which I have presented it is not necessary for me to express any opinion upon this demurrer as to several matters of contention in the argument of counsel or to analyze the cases cited. If those matters are presented upon the trail it will be time enough then to consider them. But in failing to express any opinion now I do not desire to be understood as conceding that it is essential to the plaintiffs right of action to show that hreats of physical force or personal violence were made against the customers of the plaintiffs. All of the cases cited and the argument in behalf of the defendants concede that if such threats were made there is cause of action, and it is enough that I think the declaration abundantly sufficient to allow the plaintiffs to produce evidence to a jury that such threats were made or understood to have been made, and that by reason thereof the friends and customers of plaintiffs were intimidated from dealing with thom.

As another ground of demurrer, it was suggested that the damages alleged to have been sustained were too remote and uncertain. This objection is clearly untenable. The declaration does not allege damage merely by the prevention of a probable future trade, but by the destruction of an existing profitable trade. The recently involved in the present loss of a valuable patronace. The circular of the defendants addressed every customer as a patron, and clearly contemplated bis withdrawal of his dealing with the plaintiffs as an immediate damage as the cause of action—and I think, it proven to the satisfaction of a jury, it is audicient.

ient.
I am, therefore, of opinion that the demur-hould be overruled.

Bon Air Company. Judge Wellford yesterday granted a charter to the Bon Air Company of Virginia, which has for its purposes the buying, selling, leasing, holding, &c., of real property within ten miles of Bichmond, the improving of same, &c. The capital stock is to be not less than \$5,000 nor more than \$100,000, disided into shares of \$100 each; the than \$5,000 nor more than \$100,000, divided into shares of \$100 each; the real estate to be held not to exceed 5,000 acres at any one time, improved or unimproved, and such other real estate as the company may acquire bona estate as the company may acquire bona day set for the hearing upon three different occasions, but each time there

Joseph Bryan, Esq., is president, and as such one of the directors. The other directors are A. S. Buford, W. M. Cary, I. B. Moore (also secretary), and S. H.

City Circuit Court.

The February term of the City Circuit Court—Judge Everley B. Wellford, Jr., presiding-began yesterday. Upon the application of Catherine Taylor the court appointed as commissioners to set apart to her and her children a homestead in the estate of her late husband Charles B. Taylor, Charles E. Rose, Louis Rawlings, F. C. Jones, H. L. Carter, John R. Hooper, any three of whom may act

William Power, a native of Ireland, was admitted as a citizen of America. There were several unimportant cases dismissed, docketed, or otherwise disposed of.

Playing Dominoes for Drinks.

The Dispatch of Sunday announced the fact that Edlo Chappell, the colored proprietor of the "Morning Glory" saon, on Seventeenth street, was arrestloon, on Seventeenth street, was arrested the night before for permitting unlawful gaming to be carried on in a room adjoining his bar-room. The accused was before the Police Court yesterday morning. Several parties testified that they had played dominoes at Chappell's for drinks. He was sent on to the grand jury.

PUTS HIS FOOT DOWN

RICHMOND, VA., TUESDAY MORNING, FEBRUARY 8, 1887.

JUDGE HUGHES OPPOSED TO TRYING VIRGINIA CASES IN BALTIMORE.

A Calm and Respectful, but Very Decided Letter from Him on This Subject. Hon. R. A. Ayers, Attorney-General

of the State, yesterday received the following letter from Judge Hughes on a subject which is of great interest to the people of Virginia: Norfolk, Va.,

UNITED STATES COURT-ROOMS, 7th February, 1887. Hon. Rufus A. Ayers, Attorney-Gene-ral of Virginia, and William L. Royall, Esq.:

Gentlemen,—I received your tele-gram of Saturday asking me to suggest a day for a joint hearing by Judge Bond and myself, in Baltimore, of cases pend-ing in the Circuit Court of this district. I was too much occupied all of that day

I was too make to consider a reply.

I now have to say that I am unwilling to unite in holding a session of the Circuit Court of this district in Baltimore for the hearing and determining of any case or motion pending in this district. Our jurisdiction is wholly statutory, and no provision can be found in all the acts of Congress authorizing extra-jurisdictional sessions of the Circuit Court of any district. In the absence of such a provision of law, consent of parties cannot give jurisdiction. The hearing of mere argument in case affecting only the private interests of private persons may be had; but no order that we could determine upon, frame, and sign in Baltimore, in cases pending here, of the public moment attaching to those you have it in con-templation to consider there, could have any validity, unless entered here in open court, after full opportunity given to all parties in interest to be heard here. Publicity is the best sanction of court proceedings-the publicity of open contestation in open court held in the community in which the cause in the community in which the cause arises. The holding of sessions and hearing of causes in places dehors that jurisdiction is the holding and hearing them in secret, and covering them with that secrecy in judicial administration which the common law, which is the best inheritance of our race, abhors.

There is no necessity for such anomalous sessions of the Circuit Court. The

lous sessions of the Circuit Court. The law is careful to provide for the conlaw is careful to provide for the con-tinual presence in each district of a judge, (the District Judge,) whom it qualifies to conduct all the business of its District and Circuit Courts. This judge is an institution as old as the judiciary system of the United States itself, established in 1789. Upon him the law develves the laboring our; him it charges with the direction and conduct of the business of the district; and not unti-eighty years after the establishment of the system did the law give him any but the most casual assistance in the performance of his work. There is, therefore, no necessity for these extra-territorial sessions, so destitute of statutory sanction, so liable to abuse, and so destructive of the sense of responsi-bility secured by that publicity which is intended to be an inseparable incident

of all judicial procedure. Therefore, you need not take my presence into account in any arrangements you may choose to make for a hearing in Baltimore of motions and causes pending in this district. I shall not attend such a session of the court. I assume that the cases to which you

refer in your telegram are the motion and cases that were set down for hearing at Alexandria on the 11th ultime. I thought I ought to be present on the bench at the bearing of Mr. Royall's motion to repeal my rule, entered on the 21st of December at Richmond, requiring the deposit with the clerk of the coupons tendered for taxes by plaintiffs in trespass suits. The object I had in being on the bench can be as well accomplished in that matter by filing a statement in writing of my reasons for denying the motion to repeal. I therefore enclose herewith such a statement in writing, and request you, after reading it, to file it with the clerk

As I have not time to reserve a copy closed, I will thank you to have a copy of each made and sent to Judge Bond in Ealtimore. Yours most respectfully, Ro. W. Hughes.

PACTS IN THE CASE. When the mandamus case came on to be heard in December the Attorney-General desired Judge Hughes to proceed with the hearing, but he declined to proceed without Judge Bond, and the case was postponed until January

11th at Alexandria.

Mr. Royall applied to Judge Bond for an injunction against the Board of Indemnity, and moved him to revoke the special rule in coupon cases adopt ed by Judge Hughes, and both of these motions were set down for argument on the 11th of January at Alexandria with

the mandamus case.

When the cases were called at Alexandria on the 11th of January the Attorney-General amounced his readiness to proceed with them, but as Mr. Tucker could not be present the Court decided to continue them until April with permission to counsel to agree an earlier day for the hearing, Judge Bond stating that if the cases were heard before April they must be heard in Bal-timore. The Governor and the State timore. The Governor and the State officials desired a speedy decision, and as Judge Bond would not fix upon any other place than Baltimore the cases had to stand continued or be heard. had to stand continued or be heard

has been a failure to hear them. is not probable that any day will now be agreed on before March, and the hearing will probably be in Richmond.

AN OPINION FROM JUDGE HUGHES. The opinion referred to by Judge Hughes is one of the most vigorous pa pers the Judge has ever written. It takes the ground that it is the law and the practice that the thing tendered shall be brought into court, and that no honest purpose can be interfered with in requiring—as his order does—that where there is suit for trespass the cou-pons alleged to have been tendered shall be deposited with the clerk.

Mortuary Statistics. The whole number of deaths in the city last week was 42—whites, 18; co-lored, 24. Rate of mortality of whole population, 21.84 per 1,000 per annum—white, 16.71; colored, 28.36, Consumption killed 10; convulsions, 2; dropsy, 2; heart-disease, 3; hemorrhage of the lungs, 2; pleuro-pneumonia, 1; softening of the brain, 1. Among the deceased were 3 widows, 1 widower, 22

single, and 16 married persons.

Between 8 and 9 o'clock last night fire was discovered in J. B. Lacy's coaloffice, on Ninth street between Main
and Cary. Hose Company No. 1 soon
appeared on the scene and put out the
flames, not, however, before the officefurniture had been damaged considera-

About 10:30 flames were seen issuing from the office of Crump & West, coaldealers, 1719 Cary street. Some people in the neighborhood ran to act of 1851.

the office, broke open the door, and with a few buckets of water extin-guished the fire. An investigation showed that the office had been entered showed that the office had been entered by the rear door by some person who was burglariously inclined, for the safe showed that an attempt had been made to break into it, and that before leaving he had set fire to some paper in the office. Nothing was stolen.

No alarm was turned in for either of

LETTERS ABOUT CLUVERIUS. Does "I Am Innocent " Mean "I Am Not Proved Guilty ?"

A reporter of the Dispatch was in the Governor's office at the Capitol yester-Governor's office at the Capitol yester-day morning as he opened his morning mail, which is always a large one. The Governor still continues to receive let-ters from all parts of the State commending his course in the Cluverius matter. Among other letters received yesterday morning was one from ex-Governor Kemper, of Orange county, who wrote as follows: "When by a painful Executive act you disposed of Cluverius, I had it in my heart to write you a word of support and sympathy. But I knew that just then letters were raining upon you, and I thought I would wait until the shower was over. You had to contend shower was over. You had to contend with influences of the sort to 'deceive the very elect,' and I trembled for you. You were alone and unaided, for the good citizen in private life does not volunteer any act or word tending to deprive a human being of life. Yet you vindicated domestic virtue and public law. The wise and the virtuous will gratefully and affectionately appreciate your motives and appland your action. Another—from a lawyer in Lees-burg—says that in some of the law-books and courts of law the word "innocent's has the technical sense of "not proved guilty," and when Cluverius said he could say he was innocent he may have sheltered himself behind the subterfuge and considered that he was affirming no more than that his guilt had not been proved.

A letter was received from a colored man in Botetourt county who wants the Governor to prepare himself "for a second term." The writer says "a great many more colored men will vote for you next time than did before. Every-body tells me you are making a fine Governor, and I hope to have the colored men to vote for you the next time." The following was also received by

mail yesterday: RICHMOND, February 2, 1887.

My Dear, Sweet Governor Lee,—I sm from the country, and they tells me that they is going to hang Mr. Cluverius, and that you is the only one where can help him out; so please, Mr. Governor, don't let'em hang him, as he is Your true friend, Mrs.

Your true friend, Mrs.
P. S.—You ought to do it for me, 'eause my husband voted for you.

WITH THE GREAT MAJORITY. Beaths Recently of Well-Known

Mr. R. A. Brock, corresponding seco tary of the Virginia Historical Society, who lives at No. 400 west Clay street, suffered a great loss in the death on Sunday morning at 11 o'clock of his wife. She was a Miss Haw, a sister of Richard and Osborn Haw, of this city, and has numerous relatives and con-nections in Richmond and neighboring counties. Her illness was of brief du ration, and it was not until Saturday that her family and friends became aware of the impending danger. Her death was peaceful, and she met "the last of foes" with great calmness and hope, her chief distress being at leaving

her husband and two daughters. Mrs. Prock was eminently "a home As wife, mother, friend, and neighbor she was a true woman—devoted, tender, self-sacrificing. She was a member of the Presbyterian church of Henover, having joined in early life. Her funeral will take place at 11 A. M. to-day from the First Presbyterian church, of which Rev. Mr. Kerr is

DEATH OF MRS. JUDGE MARSHALL, Mrs. Marshall, wife of Judge Hunter Marshall, of this city, died early Sunday morning, after an illness of some dura-tion. She was a very estimable lady and had a wide circle of friends in this State and elsewhere. The dec was a Miss Stith, of Maryland. The deceased funeral services were conducted at the residence of her husband by Dr. Minnigerode and the remains were yesterday morning taken to Charlotte county for

M'SORLEY GETS A LICENSE.

He Pays the Tax in Money and Drops the Writ of Habeas Corpus. About ten days ago John A. McSor ley, Esq., travelling salesman for Edward B. Brice & Co., wholesale liquordealers of Ealtimore, was arrested for offering to sell goods by sample without a license, he having tendered coupons which were refused. He was taken be ore Justice Richardson, where

counsel waived examination, and Me-sorley was bailed for his appearance before the grand jury of the Hustings Yesterday he and his counsel ap eared before Judge Atsins and offered o take out a license and pay all costs provided the prosecution against him be dismissed. This was agreed to, Attorney-General Ayers approving same, and McSorley paid for his license in money. The license, costs, &c., cost McSorley about \$350.

An application had been made to Judge Bond for a writ of habeas corpus, which had been issued, and the papers were ready to be taken to Balti-more, but McSorley preferred pursning this course rather than get relief by the habeas-corpus method.

Visitors at the State Library. The following visitors registered at the State Library yesterday: S. K. Muncie, Muncie, Ind.; J. H. Purdy, Manchester; William Bluett, New York; W. W. Miller, Rocky Mount, N. C.; V. O. Stickler, Luray, Va.; Mrs. Joseph Eichbaum, Mrs. S. Jarvis Adams, and George P. Balman and wife, Pittsburgh, Pa.; W. A. Glasgow, Fincastle, Va.; Rufus A. Robinson, W. H. Smith, George Priklena, Montreal; W. W. Mattison, Ridgeway, Pa.; John M. Collins and wife, Philadelphia; Miss Fannie Harrison, Staunton; J. T. W. Curtis, Fayette, W. Va.; John Newton, Winston, N. C.; George Cunningham, Waynesville, N. C.; H. L. Taylor and wife, New York; H. Penn and family, Ashland; Mrs. J. R. Werth, Matthew F. Maury Werth, Mrs. M. L. Van Doren, and Jacob Van Doren, Albemarle county. The following visitors registered at

Jersey-Cattle Breeders.

The meeting of Jersey-cattle breeders called for to-day will be held at Ford's Hotel at 10 o'clock. A prompt attendance at that hour is requested, so that there may be no conflict with the meeting of the Executive Committee of Two Still-Alarm Fires in Two Coal- the State Farmers' Assembly to be held All persons interested in the breeding of thoroughbred Jersey cattle are requested to be present.

Old Sterling Bonds Funded. Within the past two or three days \$150,000, principal and interest, of old unfunded sterling bonds have been

THE ROYALL RULE. MOTION AGAINST THE COURSEL OF

THE FOREIGN BONDHOLDERS. He Makes a Statement to the Hustings Court Setting Forth His Petition

and Privileges, &c.

About 12 o'clock yesterday morning, in the Hustings Court, Common-wealth's-Attorney Witt rose, and, addressing Judge Atkins, said: "May it please your Honor, as I see Mr. Royall in the court-room, there is a matter which I desire to bring to the attention of the court. I wish to ask a rule against Mr. Royall for intimidating the

grand jury.' MR. ROYALL REPLIES.

Mr. Royall then rose and said: "It is unnecessary for me to disclaim any intention to be discourteous and disrespectful to the court or your Honor. I spectful to the court or your honor. I had no such purpose, of course. I had supposed when Mr. Witt moved for this rule he would have produced evidence on which he expected to main. tain it, but as it is not produced, it is of no consequence, and I will produce myself, by my own admissions, what e expects to use.
"We all know this proceeding is taken against me because I sued the grand jury of the last term of this court for finding an indictment against

intended to sue every member of each grand jury that indicted me or any of my clients under an unconstitutional

"The first ground on which I oppose the issuing of this rule," said Mr. Royall, "is that, whether I have a just cause against the grand jury or not, still, if I think I have a cause of action against them, I have a right to assert my supposed grievance in any court of instice having jurisdiction of the parjustice having jurisdiction of the parties and subject-matter.

"This motion strikes at the funda

mental right of every right that citizens have. Ours is a republic in which every man, from the highest to the lowest, is under the dominion of the law. We have no privileged classes here. No kings and queens, no dukes and princes, but we all stand upon the same equal footing of citizens, owing obedience to the law, and bound to know what the law is; and when any man believes that his rights under the law have been violated by any one, from the President of the United States down to the humblest citizen, the courts of the country are open to him to assert his grievances in them, and to compe his adversary to do justice as the law defines it. Just at this point lies the line of demarkation between a government of brute force and a government of law, and when an attempt is made to stifle the voice of any citizen, to hinder and delay him in complaining before the courts of the land, and demanding redress at their hands, a step has been taken toward foreing him to redress himself by the hand of violence.'

HE CLAIMS THE BIGHT TO SUE THE GRAND JURY. "The second ground," continued Mr. Royall, "on which I oppose this rule is that I not only have the right to sue the grand jury even if I should be unable to maintain my suit, but that I have a good cause of action against them, for which they will be responsible to me in damages. That ground is this: I claim that the act under which the indict-ment is found against me is repugnant a site for a hospital. The latter part of a court which undertakes to enforce an

unconstitutional law is without juris-"It is not a case of a court acting as to provide that when a Council or erroneously, but of a court that has no

over to act at all.

"It is quostd hoc—no court at all.

"It is Judge Lynch's court. The judge, the grand jury, the clerk, the prosecuting officer, the sergeant—all together constitute nothing more than a good, and are all liable as trespossers. mob, and are all liable as trespassers, as each member of a mob can be. This is the settled law of this land, as your is the settled law of this land, as your Honor may see by reading Yarbrough's case, 110 United States Reports; Seibold case, 100 United States Reports; cx-parte Royall, 117 United States Reports; Norton in Shelby county, 118 United States Reports; and in Royall's case the court takes particular care to mention those who will be liable for proceeding under an unconstitutional proceeding under an unconstitutional law—the members of the grand jury

who found the indictment. "I ask that your Honor will not make this rule."

MR. WITT WILL HAVE SOMETHING TO SAY. Mr. Witt remarked: "When the proper time comes we will be prepared to argue the case and give our side of the The Judge then said he would ad-

ourn further consideration of the matter till to-day at 12 o'clock, when a d murrer to the plea which Mr. Royall has filed to the indictment found against him for barratry is to be argued, and that he would consider the motion for contempt and that plea together. REFUSE TO INDICT.

Action of the Grand Jury Yesterday Regarding Mr. Royall.

After the grand jury of the Hustings Court had brought in its batch of indictments yesterday, the members were brought into court, and the judge read to them the law in regard to barratry and champerty, and they retired to their room to bring in any true bills of indictments, if any such could be found. When they returned, the foreman, Mr. Timberlake, presented the following paper, which was read:

to the Honorable Thomas S. Atkins, Judge Hustings Court To the Honorable Thomas S. Atkins, Judge Hustings Court:
The grand jurors for the February term, 1887, respectfully represent to your Honor that in the discharge of their dutles, and after they had been properly sworm, there was prosented and sent to them an indictment charging one William L. Royall with an offence against the laws of the State known as barratry. They would represent there was sufficient evidence before them to justify a bringing in a true bill against said Royall for the alleged offence, but they respectfully decline to bring in said true bill because—

1. They are informed that the previous special grand jury have been sued in the Circuit Court of the United States for the Eastern district of Virginis in damages for bringing in a similar indictment against said Royall.

2. Said Royall has given notice in the newspapers of the city that he would bring suit against all other grand jurors who dared to indict him.

For these reasons they respectfully submit that they ought not to bring in the above-mentioned indictment—because they would thereby subject themselves to possible pecuniary loss and loss of time—until they have full and ample protection against these intimidations and threats in the discharge of their lawful and sworn duties.

W. W. Theertake, Norvell RYLAND,

W. W. TIMEERLAKE, NORVELL RYLAND, JOHN M. HIGGINS, T. WILEY DAVIS, GILERRY J. HUNT,

After the paper had been read the Judge said that if there was sufficient evidence to indict they must bring in a true bill.

true bill.

The grand jury intimated that they were afraid under the circumstances to bring in an indictment, and asked the Judge if they would be deemed guilty of contempt if they refused to indict.

The Judge decided to rest the point till this morning, when the grand jury are again summoned to appear.

What the Commonwealth's Attorney,

Mr. Witt, Commonwealth's Attorney,

stated in court yesterday morning that he proposed to file information against Mr. Royall for intimidation of the grand jury. On this subject the law

grand fury. On this subject says:

Any information may be filed upon a presentment or indictment by a grand jury, or upon complaint in writing, verified by the cath of a competent witness.

Also this: Any person, by threats or force, attempting to intimidate or impede a judge, justice, juror, witness, or an offeer of a court, or any sergeant, constable, or other peace officer, or any revenue officer in the discharge of his duty, or to obstruct or impede the administration of justice in any court, he shall be presented as for a misdemeanor, and punished by fine and imprisonment, or either, at the discretion of a jury.

Rules in the Cooper Suit Served.

United-States-Marshal Scott yester day served the rules issued against the members of the special grand jury which indicted Mr. James P. Cooper, the agent of the English bondholders (who spent some months in Virginia),

(who spent some months in Virginia) for champerty, and against Mr. Wyndham B. Meredith and the members of the Board of Indemnity for advising the indictment.

The rules are returnable the first Monday in March, but the defendants have thirty days from that time in which to make their answer. Mr. Cooper, it will be remembered, sues for \$10,000.

The Dispatch recently stated that members of the Indemnifying Board had sent to the Governor a communication which, if not in letter, in spirit urged the reassembling of the Legislature in extra session to consider measures with reference to the debt question.

It is an open secret that they exme under an act against barratry and for making a public statement that I pressed their opinion that there are several measures which, if adopted, will protect Virginia from the proceedings to which she is now being subjected. The most important of these is a consti-tutional amendment fixing a time after which no old bonds shall be fundable in new 3's, and prohibiting all future legislatures from appropriating any money to pay interest on said outstand-ing and excluded bonds.

If such an amendment shall be pro posed at an extra session of the Gene ral Assembly this spring the new As-sembly to meet in December could pass on it at its session then, and early in 1888 the amendment might be submitted to the people for adoption or rejection.

If current rumor be not incorrect the members of the Indemnity Board also suggested that as a possible means of protection, mean while an act might be passed giving the Governor the power to remove county and city treasurers under certain circumstances; also, that with enlarged powers in certain direc-tions the Board itself could be far more serviceable to the State.

SMALL-POX HOSPITAL SITE. Suit to Restrain the City from Erecting in the County.

The Dispatch has heretofore an conneed the fact that the Board of Supervisors of Henrico county, after consultation with City-Attorney Mercdith and the chairman of the Commit-tee on Health, had decided to institute a suit, to which these gentiemen agreed, to test the right of the city to erect a small-pox hospital in the county. The Board yesterday, through coun-sel, filed with Judge Wellford, of the

Circuit Court of the county, a bill pray-ing that an injunction be granted re-straining the city from erecting the hospital as proposed. Argument upon the petition for an injunction will be heard Thursday the 10th instant. January 5, 1886, the Mayor approved

a resolution which had been adopted by the Council appropriating \$7,000 for to the Constitution of the United States, and it is now the fixed and settled law of this land by tife decisions of the Supreme Court of the United States that ed January 36th. Governor approved an act amending the Code in relation to public health so court decides to erect a hospital in an-other county or corporation they must first obtain the consent of the County Court and of the Board of Supervisors of the county in which they propose to locate; and such Council so locating the hospital shall pay damages for any property injured by so locating the hospital, &c.

As soon as this law was passed the committee appeared before the Board of Supervisors and, without waiving any of their rights under the old law, asked their consent to the location. This was refused, and the matter has

been in controversy ever since. On the 29th of January Mr. Mere dith and the chairman of the Commit-tee on Health appeared before the Board and urged its agreement to the location, but without avail, and it was then decided that this suit, to settle the matter, be instituted. The city claims that this property had been pur-chased and the site located before the law was amended. The county, on the other hand, claims that while the property was bought the site had not been located, and that therefore the amended law is applicable.

THE FIREMEN'S MEETING.

A Long Session, with Vice-Grand

Master Hannahan Present. A meeting of Lee Lodge of the Brotherhood of Locomotive Firemen, which embraces the men on all roads centring here except the Atlantic Coast Line, on which colored men are em-ployed, was held Sunday at Thon's Hall, Seventeenth and Main streets. The meeting, which opened at 9 A. M. and remained in session until late in the

afternoon, was quite largely attended. Mr. John J. Hannahan, of Chicago, vice-grand master of the National Brotherhood, was present, and gave a very interesting and encouraging account of the growth of the organization where he had been. This gentleman's business is to institute new lodges, in-struct them, and to settle dis-putes or troubles where they exist. His visit to Richmond meant nothing He was on his way to several places South, where he goes to institute new lodges, and had just paid Lee Lodge a fraternal visit. He left yesterday morning for Central, on the Norfolk and Western road, where he will institute a

At the meeting Sunday a large quantity of business of importance to the organization, but of no public interest, was transacted. This lodge meets twice a month—on Sunday. Its officers are: C. W. Jenkins, master; W. A. Demaine, secretary; Eugene List, treasurer. Eight or ten applications for member-ship were received on Sunday and seve-ral of them accepted.

The Meetings at the Second Baptis

Dr. W. W. Landrum presched Sunday night to one of the largest andiences that ever assembled in the church, and after the sermon baptized eleven persons. The meetings at this church have resulted in more than fifty professions of conversion, thirty-one of whom have made application for baptism.

Dr. W. W. Landrum will preach tonight at 8 o'clock, and will hold an inquiry-neeting in the mission-room of

quiry-neeting in the mission-room of the church this afternoon at 5 o'clock.

Menefee vs. Marye and als. Argued by J. Y. Menefee, Esq., for appellees and Colonel J. C. Gibson for appellant, and submitted.

Woodson's executor vs. Leybone and als. Argued by Otho G. Kean for appellant.

ROW ON THE STAGE. Charged with Assaulting

On the Police-Court docket yesterday morning appeared the cases of Louise Pomeroy-Elliott, charged with striking Manes Fuld with a well-handle, and Arthur E. Elliott with assaulting and striking Fuld. Mrs. Elliott, better known as Miss Pomeroy, is at the head of the company which played at the Academy last week, and Mr. Elliott, her husband, is leading man. Fuld was also a member of the company until the trouble occurred Saturday night. Mr. E. M. Castine appeared as proxy for Mr, and Mrs. Elliott, and Mr. J. Samuel Parrish was present as counsel for Mr. Fuld. Manes Fuld.

for Mr. Fuld. for Mr. Fuld.

When the evidence of the witnesses present had been heard, and Mr. Parrish had nearly concluded his argument, he referred to the fact that Miss Pome-

he referred to the fact that Miss Pomeroy struck Fuld a severe blow with the well-handle and knocked him momentarily insensible. Justic Richardson, hearing this, which he had not caught in evidence, continued the case until this morning, and ordered that several witnesses, mostly attaches, of the Academy, whose names were furnished by Fuld, be summoned. The facts in the case, briefly stated, are these:

Saturday night Mr. Fuld performed in "Lady Audley's Secret," and was knocked in the well by a blow from the well-handle in Miss Pomeroy's hand, which he considered too hard. Miss Pomeroy alleged that in falling Fuld kicked her, and, telling her husband of it, he assaulted Fuld and struck him on the head. Fuld sued out a warrant for the arrest of both parties, and had them the head. Fuld sued out a warrant for the arrest of both parties, and had them arrested immediately after the curtain fell. Fuld had an attachment issued pre-vious to the difficulty against the company for \$437.09 salary alleged to be due, which was served that night; but as Fuld did not give the required bond the sheriff made no seizure. Elliott visited Justice Richardson Sunday with refer-ence to the matter, and offered to plead guilty to the charge of assault and battery and pay a fine, saying that they had an engagement in Hagerstown, Md., last night, which, if they did not appear, would cost them \$100. Justice Richardson, after looking into the matter, and being satisfied that this was only an effort to delay the company, allowed Elliott to leave and arrange with Mr. Castine to appear at court as proxy. The company left

at court as proxy. The company Sunday night. Penitentiary Spring.

The house over the Penitentiary Spring has been put in good order by Superintendent Moses, and it is his in-tention, if the police will aid him, to protect it hereafter from trespassers. The water from this spring is still used at the penitentiary for certain

talists and those having money to invest to communicate with M. B. Harrison, Real Estate and Financial Agent, Duluth, Minn.

[OTHER LOCAL ON THIRD PAGE.]

It will be to the interests of capi-

The Present Excitement on Broad is occasioned by Heller & Co., in consequence of their "Great Closing-Out Sale" of Boots, Shoes, and Trunks. It is really astonishing how low the prices reign in the class of goods they offer, The assortment is quite large in seasonable and desirable goods for Men's, Ladies', Misses', Boys', Youths', and Children's Regular and High-Cut Shoes.

They also offer special inducements to those in want of Brogans and Plough

Given Away.

for the next sixty days, a Picture to every purchaser of \$1 and up. Fine Art, Novelties, and Stationery sold lower than ever. RICHMOND ART-ROOMS, 207 Broad street.

DEATH.

CLEMMITT.—Died, last night, February 7, 1887, at a quarter past H o'clock, Mrs. JANE W. CLEMMITT, wife of William H. Clemmitt, in the sixty-fifth year of her age.
Funeral will be announced later.
"No flowers" requested.
"She was very good to me." [*] T. Phillips's Digestible Cocoa

It will be found at the druggists' and grocers SCARLET-FEVER AND DIPHTHERIA are spead by contagion, by the transfer of living matter. These particles come from the skin, the membranous lining of the mouth, nose, and threat, and from the intestines and urinary organs. Disinfect promptly and thoroughly with DAR

presents a new and valuable food beverage. It is delicious to the taste, highly nutritious, and

endered readily digestible. It will not cause

BYS PROPRYLACTIC FLUID, the great germ de-Professor H. T. Lupton, of the Vanderbilt University, Tennessee, says: "As a disinfectant and detergent Darbys Prophylactic Pluid is su-

perior to any preparation with which I am acusinted." naking BROWN'S BRONCHIAL TROCKES is such

as to give the best possible effect with safety. They are the best remedy in use for Coughs, Colds, and Throat-Diseases.

MOTHERS! MOTHERS!! Are you disturbed at night and broken of your rest by a sick child suffering and crying with the exeruciating pain of cutting teeth? If so, go at once and get a bottle of MRS. WINSLOW'S SOOTHING SYRUP. It will relieve the poor little sufferer immediately—depend upon it; there is no mistake about it. There is not a mother on earth who has ever used it who will not tell you at once that it will regulate the bowels, and give rest to the mother, and relief and health to the child, operating like magic. It is perfectly safe to use in all cases and plea-sant to the taste, and is the prescription of one of the oldest and best female physicians and

nurses in the United States. Sold everywhere Twenty-five cents a bottle. fe 8-eod AUCTION SALES TO-DAY.

FRANK D. HILL & CO., 5 P. M., commission-ers' sale of brick dwelling No. 117 west ers' sale of Main street. JOHN T. GODDIN, 4% P. M., lot corner of Twenty-screnth and T streets, with frame dwelling and carpenter-shop thereon.

E. B. COOK, 10 A. M., furniture, canned fruit, FOR SALE AT LOW BUTCHER WAGONS, PHAETONS, BUGGIES, SURRYS, ROCK AWAYS, AND VILLAGE CARTS of my own manufacture; also, a number of SECOND-HAND BUGGIES, PHAETONS, AND CARTS VERY LOW. REPAIRING OF ALL KINDS done at prices to sult.

fe 1-eodim 314 north Fifth street.

TO HOUSEKEEPERS! At the EXCHANGE FOR WOMAN'S WORK, 399 cast Franklin street, you will find DELICIOUS HOME-MADE FLUM-PUDDING at the reduced price of 36c, per pound. There is also on sale a large supply of the finest quality of FRUIT-CAKE, and a various assortment of FRESERVES, JELLIES, PICKLES, Exc. Supply yourselves with these Genuine Articles, while at the same time you aid a worthy cause.

10 5-Su, Tu&Fit

UNDERTAKERS. JOSEPH W. BLILEY,

SUCCESSOR TO
Mrs. J. C. DIFNER & Co.,)
FURNISHING UNDERTAKER,
CORNER THIRD AND MARSHALL STREETS, RICHMOND, VA.
Everything FIRST-CLASS in this line and at
reasonable rates. Tolegraph and country orders promptly filled. Telephone No. 2.

[18-3m]

WILLIAM H. SUTHERFURNISHING UNDENTAKERS,
NO. 7M BAST MAIN STARS.
Telephone No. 48.
Everything first-class in this line, and at reasomeble rates.

20 4 To, The state of